

SENATE BILL No. 329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-13-1.

Synopsis: Candidate filing deadline. Provides that a petition of nomination must be filed for certification not later than noon of the day after the date of the primary election. Provides that a candidate may withdraw a petition of nomination by noon June 30 before a general or municipal election. Provides that a county voter registration office must certify and file a petition of nomination not later than noon June 30 following the date of the primary election. Provides that the names of candidates nominated by a state convention must be certified not later than noon June 30 before the general election. Provides that a candidate vacancy for an office required to be nominated at a state convention that failed to nominate a candidate must be filled not later than noon June 30. Provides that an early candidate vacancy, except a candidate vacancy created by the death of a candidate, the withdrawal of a candidate, or the disqualification of a candidate, must be filled not later than noon June 30 after the primary election.

Effective: July 1, 2001.

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January 16, 2001, read first time and referred to Committee on Legislative Apportionment & Elections.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 329

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-6-10, AS AMENDED BY P.L.176-1999,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 10. (a) Except as provided in section 11 of this
4 chapter, a petition of nomination must be submitted to the county voter
5 registration office of each county in which the election district is
6 located.

7 (b) The petition must be filed during the period beginning January
8 1 of the year in which the election will be held and ending at noon ~~July~~
9 ~~15 before the election.~~ **of the day after the date of the primary**
10 **election.**

11 (c) The county voter registration office shall certify and file a
12 petition that complies with the requirements of this chapter with the
13 public official authorized to place names on the ballot (and with the
14 town clerk-treasurer, if the petition of nomination is for a town office)
15 **by not later than noon August 1. June 30 following the date of the**
16 **primary election.** Following certification of a petition under this
17 section, the office may, upon the request of a candidate named in the



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petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

(d) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

SECTION 2. IC 3-8-6-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13.5. A candidate may withdraw a petition of nomination by noon:

- (1) ~~August 1~~ **June 30** before a general or municipal election; or
- (2) forty-five (45) days before a special election.

SECTION 3. IC 3-8-7-8, AS AMENDED BY P.L.202-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state ~~by not later than noon August 1~~ **June 30** before the general election.

(b) The ~~certification~~ **certificate** must state the following:

- (1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.
- (2) That the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(c) The commission shall prescribe the form of the ~~certification~~ **certificate** of nomination for the offices. The commission shall provide that the form of the ~~certification~~ **certificate** of nomination include the following information near the separate signature required by subsection (b)(2):

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of

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nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 4. IC 3-8-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed ~~no not~~ later than noon ~~August +~~ **June 30** before the date fixed for the election of the person nominated.

SECTION 5. IC 3-8-7-21, AS AMENDED BY P.L.38-1999, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) If a person has been nominated by two (2) or more political parties, or as an independent candidate and as the nominee of at least one (1) political party, the person must elect which of the nominations the person will accept.

(b) The election must be in writing, signed, acknowledged before an officer authorized to take acknowledgments, and filed in the office where a declaration of candidacy must be filed for the office under IC 3-8-2 or where a certificate of nomination by a convention must be filed under this chapter by noon ~~August +~~ **June 30** before the election.

SECTION 6. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. The resulting vacancy on the following general or municipal election ballot may be filled in the manner prescribed by this chapter, but only if it is filled by noon ~~August +~~ **June 30** before election day.

SECTION 7. IC 3-13-1-7, AS AMENDED BY P.L.176-1999, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except as provided in subsection ~~(c); (b)~~, action to fill a candidate vacancy ~~for an office for which a declaration of candidacy must be filed with the secretary of state under IC 3-8-2-5~~ must be taken:

- (1) ~~before not later than noon thirty-five (35) days~~ **June 30** after the primary election if the vacancy exists on a general **or municipal** election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

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(b) Except as provided in subsection (c), action to fill a candidate vacancy not described in subsection (a); must be taken:

- (1) before noon August 1; if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy; if the vacancy exists on a special election ballot; subject to section 2 of this chapter.

(c) (b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5. or
- (4) A court order issued under IC 3-8-7-29(d).

before the thirtieth day before a general, municipal, or special election. Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 8. IC 3-13-1-15, AS AMENDED BY P.L.202-1999, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

- (2) The address of each candidate.

(b) The certificate shall be filed with:

- (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or
- (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office

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not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon ~~August 4~~, **July 3** before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 9. IC 3-13-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party **not later than noon June 30 before election day**. The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon ~~August 4~~, **July 3** before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

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